

**BEFORE THE ARIZONA BOARD OF  
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

IN THE MATTER OF:

MARILYN WELLS, D.O.  
Holder of License No. 2111 for the  
practice of osteopathic medicine in the  
State of Arizona.

**STIPULATION AND CONSENT  
ORDER FOR SURRENDER OF  
LICENSE**

**STIPULATION**

By mutual agreement and understanding, the Arizona Board of Osteopathic Examiners (hereafter "Board") and Marilyn Wells, D.O. (hereinafter "Respondent"), the parties hereto agree to the following disposition to this matter.

1. Respondent acknowledges that she has read this Stipulation and Consent Order; and, Respondent is aware of and understands the content of this document.
2. Respondent understands that by entering into this Stipulation, she voluntarily relinquishes any rights to a hearing on the matters alleged as grounds for Board action or to seek judicial review of the consent order in state or federal court.
3. Respondent understands that this Stipulation and Consent Order will not become effective unless approved by the Board and signed by its Executive Director.
4. Respondent further understands that this Stipulation and Consent Order, once approved and signed, shall constitute a public record as required by A.R.S. §§ 32-1855 (K).
5. Respondent admits to the statement of facts contained in this Stipulated Consent Order.

6. All admissions made by Respondent are solely for final disposition of this matter and any subsequent administrative proceedings or litigation involving the Board, Respondent and the State of Arizona; and, therefore, said admissions by Respondent are not intended for any other purpose or administrative regulatory proceeding or litigation in another state or federal court.

7. Respondent acknowledges and agrees that upon signing and returning this document (or a copy thereof) to the Board's Executive Director, she may not later revoke or amend this Stipulation or any part of the Consent Order, although said Stipulation has not yet been accepted by the Board and issued by its Executive Director, without first obtaining Board approval.

#### **STATEMENT OF FACTS**

8. The Arizona Board of Osteopathic Examiners in Medicine and Surgery is empowered, pursuant to A.R.S. § 32-1800, et seq to regulate the licensing and practice of osteopathic medicine in the State of Arizona.

9. Respondent is a licensee of the Board and the holder of License No. 2111 for the practice of osteopathic medicine in the State of Arizona.

10. Information was brought to the attention of the Board on or about November, 1998 that Respondent may be medically and/or psychologically unable to safely and skillfully engage in the practice of medicine.

11. In public session, the Board voted on November 23, 1998 that Respondent was medically and/or psychologically unable to engage in the practice of medicine and was an immediate threat to the health and welfare of the public. On November 23, 1998 in public session, the Board agreed to enter into a Stipulation and Consent Order for Suspension of License with Respondent. Respondent agreed to suspend her medical license while she received an evaluation and

subsequently, treatment for drug addiction at Springbrook Northwest Rehabilitation Center (hereinafter "Springbrook").

12. On or about November 29, 1998, Respondent entered Springbrook for treatment and rehabilitation of her substance abuse addiction. Respondent successfully completed the treatment program on March 13, 1999.

13. On June 19, 1999, the Board voted in a public meeting to authorize the Executive Director to sign and issue a Stipulated Consent Order regarding Respondent allowing Respondent to engage in the practice of medicine under a five-year probationary order with terms and conditions including monitoring.

14. On or about April 29, 2000 Respondent appeared before the Board regarding compliance with her Stipulated Consent Order. Respondent had experienced many health-related problems regarding controlled substances since being placed on probation. Respondent and the Board agreed to Amend the Stipulated Consent Order to require Respondent to provide a copy of her Board Order to all treating physicians, including emergency room physicians.

15. On or about May 24, 2000 Respondent required knee surgery and her physician, Dr. Firestone, recommended that she not engage in the practice of medicine or be able to drive for six weeks. The Board's staff allowed Respondent be excused from random urine drug screens as required by her Stipulated Consent Order due to the fact that she was not practicing medicine and would be unable to get to the facility to provide the urine drug screens. On July 7, 2000 Dr. Firestone evaluated Respondent's progress and stated that he allowed her to begin driving.

16. Respondent missed the following urine drugs screens after July 7, 2000: July 15, 2000, July 28, 2000 and August 10, 2000. The Executive Director informed Respondent on August

2, 2000 that she had missed two urine drug screens and that she was required to provide them. The Executive Director also informed Respondent that a "missed" urine drug screen was considered a "positive" urine drug screen. Respondent stated on August 2, 2000 that she would provide them and had misunderstood that she needed to begin providing the urine drug screens again. After the August 2, 2000 conversation between Respondent and the Executive Director, Respondent failed to provide a urine drug screen on August 10, 2000.

17. On September 13, 2000 Respondent requested that the Board release her from her terms and conditions of her Board Orders and allow her to voluntarily withdraw from the practice of medicine due to her current health status.

18. This matter came before the Board of Osteopathic Examiners in Medicine and Surgery (hereafter "Board") at a public meeting on October 14, 2000 regarding Respondent; and, the Board and Respondent mutually agree to the surrender of Respondent's license.

#### ORDER

Pursuant to the authority vested in the Board, **IT IS HEREBY AGREED AND ORDERED THAT:**

Marilyn Wells, D.O. ("Respondent") shall voluntarily **SURRENDER** her license to practice as an osteopathic physician in the State of Arizona; and,

Respondent shall, within ten (10) days from the effective date of this Consent Order, return by U.S. mail or personal delivery to the Board's office all documents in her possession establishing Board licensure to practice as an osteopathic physician; and,

Respondent shall no longer engage in the practice of medicine in the State of Arizona, after the effective date of this Order.

In the event that Respondent makes application for licensure by the Board in the future, she must satisfy all of the applicable statutory and Board administrative rule requirements for licensure.

Service of this Consent Order is effective upon either personal delivery or the date of mailing, by U.S. certified mail, addressed to Respondent's last known address of record with the board. See A.R.S. § 31-1855(F).

REVIEWED AND ACCEPTED this 13 day of Sept., 2000.

Marilyn Wells, D.O.  
Marilyn Wells, D.O.

STATE OF ARIZONA     )  
                                  )  
County of MARICOPA     )  
                                  )  
                                  )  
County of Pima            )

SS

This instrument was acknowledged before me this 13 day of Sept., 2000 by the above-named individual.

Julie Hoort  
Notary Public

My Commission expires:



REVIEWED AND APPROVED as to form by counsel for Respondent on this 13<sup>th</sup> day of September, 2000.

Robert Bohm  
Robert Bohm, Esq.

DATED AND EFFECTIVE this 4th day of October, 2000.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS  
IN MEDICINE AND SURGERY

By: Ann Marie Berger  
Ann Marie Berger, Executive Director  
9535 E. Doubletree Ranch Rd.  
Scottsdale AZ 85258-5539  
(602) 657-7703

Copy mailed by U.S. certified mail  
(return receipt requested) this 5th  
day of October, 2000 to:

Marilyn Wells, D.O.  
2138 E. Gelding Dr.  
Phoenix AZ 85022

Copy mailed this 5th day of  
October, 2000 to:

Robert Bohm, Esq.  
2633 E. Indian School, Suite 125  
Phoenix AZ 85016

Blair Driggs  
Assistant Attorney General  
CIV/LES  
1275 W. Washington  
Phoenix AZ 85007

Tom Dennis  
Assistant Attorney General  
Solicitor General's Office  
1275 W. Washington  
Phoenix AZ 85007

Arizona Board of Pharmacy  
5060 N. 19th Ave., Suite 101  
Phoenix AZ 85015

Drug Enforcement Administration  
Attention: Diversion Section  
3010 N. 2nd St  
Phoenix AZ 85012

Celina Shepherd